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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF OPTOMETRY**

TIME: 9:02 A.M.

Board Room B  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

Thursday, August 16, 2018

State Board of Optometry  
August 16, 2018

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BOARD MEMBERS:

- Carl J. Urbanski, O.D., Chairman
- Luanne K. Chubb, O.D., F.A.A.O., Vice Chairperson
- Jeffrey B. Becker, O.D., Secretary
- Ian J. Harlow, Commissioner of Professional and Occupational Affairs - Absent
- Pamela Barnhart, Consumer Protection Member - Absent
- Kimberly F. Boyer, O.D.
- John A. Godfrey, O.D.
- Davis C. Haire, O.D.
- Gerald E. Olson, O.D. - Absent
- Perry C. Umlauf, O.D.
- Marla J. Wasson, Public Member

BUREAU PERSONNEL:

- Peter D. Kovach, Esquire, Board Counsel, on behalf of Jacqueline A. Wolfgang, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- David Smith, Esquire, Board Prosecutor
- Elizabeth Wecker, Board Administrator

ALSO PRESENT:

- Joseph A. Ricci, Esquire, Executive Director, Pennsylvania Optometric Association
- Ted Mowatt, Wannier Associates, on behalf of Pennsylvania Optometric Association
- Brad P. Shopp, Feinberg Shopp Associates, representing the Luxottica Group

1 \*\*\*

2 State Board of Optometry

3 August 16, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Optometry was held on Thursday, August 16,  
7 2018. Carl J. Urbanski, O.D., Chairman, called the  
8 meeting to order at 9:02 a.m. Kimberly F. Boyer,  
9 O.D., was not present at the commencement of the  
10 meeting.

11 \*\*\*

12 Evacuation Announcement

13 [Elizabeth Wecker, Board Administrator, reviewed the  
14 emergency evacuation procedures for One Penn Center.]

15 \*\*\*

16 [Kimberly F. Boyer entered the meeting at 9:03 a.m.]

17 \*\*\*

18 Roll Call

19 [Chairman Urbanski requested roll call be taken.]

20 \*\*\*

21 Approval of Minutes

22 CHAIRMAN URBANSKI:

23 At this time, I would entertain a motion  
24 to approve the minutes from our February  
25 1, 2018 meeting. Are there any changes,

1 additions to the minutes?

2 [The Board discussed corrections to the minutes.]

3 CHAIRMAN URBANSKI:

4 Any other corrections to the minutes  
5 that were noted? May I have a motion to  
6 accept the minutes from the February 1  
7 meeting with the changes suggested by  
8 Dr. Godfrey?

9 DR. CHUBB:

10 I make a motion to accept the minutes  
11 from the last meeting, including the  
12 changes mentioned by Dr. Godfrey.

13 CHAIRMAN URBANSKI:

14 Is there a second?

15 DR. GODFREY:

16 Second.

17 CHAIRMAN URBANSKI:

18 Any other discussion on the motion?  
19 Hearing none. I'll call the vote. All  
20 those in favor of approving the minutes  
21 with the changes, signify by saying aye.  
22 Opposed?

23 [The motion carried unanimously.]

24 \*\*\*

25 Introduction of Audience Members

1 [Chairman Urbanski requested guests in attendance to  
2 introduce themselves.]

3 \*\*\*

4 Report of Prosecutorial Division

5 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,  
6 introduced himself along with David Smith, Esquire, as  
7 a new Board prosecutor.]

8 Chairman Urbanski welcomed Mr. Jarabeck and  
9 Mr. Smith.]

10 \*\*\*

11 Report of Board Counsel

12 [Peter D. Kovach, Esquire, Board Counsel, noted three  
13 items for discussion during Executive Session.]

14 Mr. Kovach discussed Senate Bill 668 regarding  
15 Scope of Practice, which is pending in the Senate, and  
16 will affect the Board if passed.

17 Mr. Kovach discussed Act 6 of 2018 regarding the  
18 importance of practitioners and licensees reporting to  
19 the Board disciplines or convictions in another state  
20 within 30 days through the Pennsylvania Licensing  
21 System (PALS). He stated the Act also allows for  
22 immediate temporary suspension as well as a provision  
23 for expungement of certain records. Mr. Kovach  
24 further explained that the expungement cannot be  
25 processed yet as the fee regulation and procedure

1 regulation has not been completed.

2 Mr. Kovach discussed the Pennsylvania Sunshine  
3 Act, noting Board business must be open to the public  
4 with prior public notice of the meeting. He noted the  
5 importance of limiting the discussion of Board-related  
6 matters with other Board members to Board meetings.  
7 He reviewed the format of Executive Sessions, noting  
8 disciplinary matters and applications are considered  
9 quasi-judicial deliberation matters to be discussed in  
10 private and then voted on publicly.

11 Mr. Kovach stated violators can be fined \$100 to  
12 \$1,000 for a first offense and \$500 to \$2,000 for a  
13 second offense. The cost of prosecution, possible  
14 attorney fees, and cost of litigation involving any  
15 action is not paid by the Commonwealth.

16 Mr. Kovach provided information regarding the  
17 recusal guidelines.]

18 \*\*\*

19 Report of Board Chairman

20 [Chairman Urbanski welcomed Dr. Umlauf as a new Board  
21 member. Dr. Umlauf provided a brief summary of his  
22 professional background.

23 Chairman Urbanski noted the approval of Rhopressa  
24 by the Secretary of Health.

25 Chairman Urbanski discussed the Executive Order

1 regarding reforms to several job licensing Boards to  
2 remove barriers to employment for skilled workers. He  
3 stated the objectives of the Executive Order Advisory  
4 Committee were to consider the licensure requirements  
5 in surrounding states. He also noted that St. Francis  
6 University was tasked with the collection and analysis  
7 of the data.

8 Chairman Urbanski stated the Advisory Group's  
9 report provided for the elimination of 13 job  
10 licensures. He stated Governor Wolf will work with  
11 the General Assembly to streamline the process for  
12 military spouses and pass legislation allowing  
13 licensing Boards to seek reciprocity agreements with  
14 other states and grant licensure through endorsements  
15 to ease the relocation issues on military spouses.

16 Chairman Urbanski also noted that Governor Wolf  
17 directed each licensing Board to amend CE regulations.  
18 He stated the Optometry Board recently took on that  
19 regulatory initiative and a CE requirements regulation  
20 is pending. He noted the call for repeal of the  
21 automatic 10-year ban on licensing for anyone  
22 convicted of a drug felony.

23 Chairman Urbanski discussed speeding up the  
24 occupational licensure process with the reduction to  
25 no more than 10 days, absent extenuating

1 circumstances.

2 Chairman Urbanski stated optometry has four  
3 levels of licensure in Pennsylvania and anticipates a  
4 decrease in the number of people who are not  
5 therapeutically licensed or diagnostic certified.

6 Chairman Urbanski commented that Pennsylvania's  
7 fees for licensure and renewal applications are lower  
8 than surrounding states. Due to the Board's surplus,  
9 the regulatory change is on hold.

10 Chairman Urbanski updated the Board on the  
11 Council on Optometric Practitioner Education (COPE)  
12 accreditation. He stated a response to a resolution  
13 was passed in 2017 by the Association of Regulatory  
14 Boards of Optometry (ARBO) member Boards, where the  
15 COPE program achieved the milestone of becoming  
16 substantially equivalent to the Accreditation Council  
17 for Continuing Medical Education (ACCME), which is  
18 considered the gold standard in healthcare continuing  
19 education.

20 Chairman Urbanski noted another milestone in  
21 2018, where COPE joined the Joint Accreditation for  
22 Interprofessional Continuing Education collaborative.  
23 He stated that joint accreditation has the opportunity  
24 to be simultaneously accredited to provide medical,  
25 nursing, pharmacy, optometry, and physician assistant

1 continuing education through a single unified  
2 application process and set standards for  
3 accreditation of continuing education.

4 Chairman Urbanski and Dr. Chubb attended the ARBO  
5 Meeting in June. He noted the attendance of 81  
6 delegates from 44 membership Boards and jurisdictions.  
7 He stated Executive Director Jill Bryant from the  
8 National Board of Examiners in Optometry provided an  
9 update on the activities. He noted a review of the  
10 National Boards, particularly the Part III Clinical  
11 Skills Exam, where the students had difficulties  
12 performing and the rates of pass/fail were not  
13 acceptable or became questioned.

14 Chairman Urbanski also noted the National Board's  
15 consideration for limiting the number of times that a  
16 student can take the National Board, where analysis  
17 found that placing a cap at six tries would be a  
18 reasonable number.

19 Chairman Urbanski stated Dr. Mary Lou French,  
20 Chair of the Optometric Education (OE) TRACKER  
21 Committee, also provided a report. He defined the OE  
22 TRACKER as the clearing house of information, where  
23 optometrist CE credits are housed and member Boards of  
24 ARBO can be easily audited. He discussed the burden  
25 of an additional \$20 a year to belong to OE TRACKER.

1 Chairman Urbanski noted many presentations and  
2 member Board breakout sessions, where legislative  
3 initiatives and legislative challenges were discussed  
4 among regional Boards. He mentioned a legal update  
5 from the ARBO Council, Dale Atkinson, who outlined the  
6 current regulatory legal landscape and cases with  
7 regulatory implications, noting a legislative  
8 initiative that would include consumer comments to  
9 renew licenses.

10 Chairman Urbanski stated Wallace Lovejoy reported  
11 on consumer protection without protectionism and  
12 telemedicine. Marschall Smith, Executive Director of  
13 the Interstate Medical Licensing Compact Commission,  
14 provided details on a medical licensure compact and  
15 its efficiency with permitting practitioners to  
16 practice across state boundaries without being  
17 licensed in each state. Chairman Urbanski noted  
18 bylaw amendments, allowing Board administrators and  
19 executive directors to serve on the Board of Directors  
20 of ARBO.

21 Chairman Urbanski announced that Dr. Steve  
22 Odekirk and Richard Orgain were elected for director  
23 positions. Chairman Urbanski congratulated Dr. Chubb  
24 who was selected for the open position on the  
25 Accreditation Council on Optometric Education (ACOE).

1 Chairman Urbanski also noted a resolution to  
2 encourage all ARBO members to increase the utilization  
3 of ACOE accreditation for CE and to encourage member  
4 Boards to increase the utilization of ACOE-accredited  
5 courses and the OE TRACKER tool.

6 Chairman Urbanski noted discussion regarding  
7 member qualifications for the ARBO Committee and  
8 executive branches, which was tabled until a future  
9 meeting.]

10

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11 Report of Regulatory Counsel

12 [Peter D. Kovach, Esquire, Board Counsel, on behalf of  
13 Jacqueline A. Wolfgang, noted that the General  
14 Revisions (16A-5213) were pending approval through the  
15 Office of General Counsel. He stated the Volunteer  
16 License regulation was being reviewed by the  
17 Regulatory Counsel. He also stated the Child Abuse  
18 Reporting Requirement package was working its way  
19 through the regulatory process. The Fees Regulation  
20 had been deferred for the Board to monitor expenses  
21 and revenues.]

22

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23 Report of Board Administrator

24 [Elizabeth Wecker, Board Administrator, noted two  
25 applications as well as a CE extension for discussion

1 in Executive Session. Ms. Wecker also noted the  
2 newsletter update.]

3 CHAIRMAN URBANSKI:

4 May I have a motion to approve the  
5 newsletter, which will then be sent out  
6 electronically to our licensees?

7 DR. BOYER:

8 I make that motion.

9 CHAIRMAN URBANSKI:

10 Thank you, Dr. Boyer. Is there a  
11 second?

12 MS. WASSON:

13 I'll second that motion.

14 CHAIRMAN URBANSKI:

15 Thank you, Ms. Wasson. Any discussion  
16 on the motion to approve the newsletter  
17 to be sent out? Hearing none. All  
18 those in favor, signify by saying aye.  
19 Opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 [Elizabeth Wecker, Board Administrator, noted board  
23 member training. Ms. Wecker addressed financial  
24 disclosure information. She also reviewed a Statement  
25 of Financial Interest form that goes to the State

1 Ethics Commission and a Code of Conduct form that is  
2 sent to Governor Wolf's office.]

3 \*\*\*

4 New Business

5 [Chairman Urbanski addressed the CE Committee. He  
6 noted a group of preapproved providers, such as the  
7 American Optometric Association and the Pennsylvania  
8 Optometric Association and its local affiliates, who  
9 do not need to apply to the Board each time  
10 individually. He stated COPE-approved courses do not  
11 go through the internal review process to identify  
12 whether the course meets the Board's CE standards.

13 Chairman Urbanski discussed the Board's review of  
14 provider applications. He discussed changes to raise  
15 the standards of CE and get closer to the gold  
16 standard, which is COPE accreditation. He noted minor  
17 changes on the application process.]

18 CHAIRMAN URBANSKI:

19 Is there is a motion to approve the  
20 revised continuing education provider  
21 application?

22 DR. BECKER:

23 I make that motion.

24 CHAIRMAN URBANSKI:

25 Thank you, Dr. Becker. Is there a

1 second?

2 DR. CHUBB:

3 Second.

4 CHAIRMAN URBANSKI:

5 Dr. Chubb. All those in favor, signify  
6 by saying aye. Opposed?

7 [The motion carried unanimously.]

8 \*\*\*

9 [Chairman Urbanski discussed Vyzulta, which entered  
10 the market around the same time as Rhopressa as a  
11 derivative of latanoprost. He stated the drug is a  
12 prostaglandin analog. He noted consultation with  
13 Board Counsel. The drug information was sent to the  
14 Secretary of Health for approval. He noted the drug  
15 to be latanoprostene bunod and not latanoprost. He  
16 referred to a letter and supporting documents prepared  
17 by Attorney Wolfgang for the Board asking Secretary  
18 Levine to approve Vyzulta as a new glaucoma agent.]

19 CHAIRMAN URBANSKI:

20 Is there is a motion to approve the  
21 letter and the accompanying documents to  
22 send to the Secretary of Health for  
23 approval of Vyzulta?

24 DR. GODFREY:

25 So moved.

1 CHAIRMAN URBANSKI:

2 Dr. Godfrey, thank you. Is there a  
3 second?

4 DR. UMLAUF:

5 Second.

6 CHAIRMAN URBANSKI:

7 Dr. Umlauf, thank you. All those in  
8 favor, signify by saying aye. Opposed?

9 [The motion carried unanimously.]

10 \*\*\*

11 Public Comment Period

12 [Joseph A. Ricci, Esquire, Executive Director,  
13 Pennsylvania Optometric Association, addressed Senate  
14 Bill 668. He stated the Senate Majority Leader, Jake  
15 Corman, urged the bill's sponsor, Senator Gordner, to  
16 remove the bill from consideration before summer  
17 recess to allow an opportunity for discussion over the  
18 summer months, where areas of the language were  
19 tightened up and the unnecessary step of approval from  
20 the Secretary of Health for medications was removed.  
21 He also noted efforts to provide clarifying language  
22 on the types of foreign bodies to be safely removed by  
23 optometrists. He was hopeful to get the bill through  
24 the House and ready for signature by Governor Wolf.

25 Mr. Ricci also discussed the telemedicine bill,

1 sitting in the House in the relevant committee. He  
2 noted delays attributed to the insurance industry  
3 objecting to some of the language of the bill. He  
4 stated the bill should move through the House this  
5 fall and be ready for the Governor Wolf's signature as  
6 soon as it gets its final approval in the House.]

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8 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
9 9:56 a.m. the Board entered into Executive Session  
10 with Paul D. Kovach, Esquire, Board Counsel, on behalf  
11 of Jacqueline A. Wolfgang, Esquire, Board Counsel, for  
12 the purpose of conducting quasi-judicial deliberations  
13 and to receive advice of Counsel. The Board returned  
14 to open session at 11:06 a.m.]

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16 MOTIONS

17 MR. KOVACH:

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Pursuant to Section 708(a)(5) of the  
Sunshine Act, the Board met in Executive  
Session for the purpose of conducting  
quasi-judicial deliberations and to  
receive advice of Counsel in the matters  
upon which the Board is now to vote.

The first matter for the Board to  
vote on is No. 3 on the agenda. It's

1 the Commonwealth of Pennsylvania Bureau  
2 of Professional and Occupational Affairs  
3 vs. David Lloyd Naugle, O.D.

4 Based on the Board's discussions in  
5 Executive Session, I believe the Chair  
6 would accept a motion to adopt as final  
7 the Adjudication and Order of the  
8 Hearing Examiner in that matter.

9 CHAIRMAN URBANSKI:

10 Is there a motion?

11 MS. WASSON:

12 I'll make that motion to adopt.

13 CHAIRMAN URBANSKI:

14 Thank you, Ms. Wasson. Is there a  
15 second?

16 DR. GODFREY:

17 Second.

18 CHAIRMAN URBANSKI:

19 Dr. Godfrey, thank you. Any further  
20 discussion on the motion? Hearing none.  
21 All those in favor, signify by saying  
22 aye. Opposed?

23 [The motion carried unanimously.]

24 \*\*\*

25 MR. KOVACH:

1           The next matter for the Board's vote is  
2           No. 14 on the agenda, the Request for a  
3           Continuing Education Extension filed by  
4           Reuben Arunsalem, O.D.

5                   Based on the Board's discussions in  
6           Executive Session, I believe that the  
7           Board Chair would accept the motion  
8           directing the Board administrator to  
9           respond to Dr. Arunsalem indicating that  
10          the child abuse and opioid continuing  
11          education should be completed by the end  
12          of this renewal cycle and that the rest  
13          of the continuing education, an  
14          extension will be granted for nine  
15          months.

16 CHAIRMAN URBANSKI:

17                   Is there a motion?

18 DR. BOYER:

19                   I move.

20 CHAIRMAN URBANSKI:

21                   Dr. Boyer. Is there a second?

22 DR. BECKER:

23                   Second.

24 CHAIRMAN URBANSKI:

25                   Dr. Becker, thank you. Any further

1 discussion on this motion on the  
2 extension request by Dr. Arunsalem?  
3 Hearing none. We'll have our vote. All  
4 those in favor, signify by saying aye.  
5 Opposed?

6 [The motion carried unanimously.]

7 \*\*\*

8 Review of Applications

9 MR. KOVACH:

10 The next matter is No. 21 on the agenda,  
11 which was the matter Board Member Boyer  
12 recused from and was not present during  
13 the discussion. The matter involves the  
14 Application for Licensure by Examination  
15 filed by Brian Anthony Johnson, O.D.

16 Based on the Board's discussions in  
17 Executive Session, I believe the Board  
18 Chair would accept the motion approving  
19 that application.

20 CHAIRMAN URBANSKI:

21 Would someone like to make that motion?

22 DR. CHUBB:

23 Motion.

24 CHAIRMAN URBANSKI:

25 Dr. Chubb, thank you.

1 DR. GODFREY:

2 Second.

3 CHAIRMAN URBANSKI:

4 Second, Dr. Godfrey. Any other  
5 discussion on the application by  
6 examination of Dr. Brian Anthony  
7 Johnson? Hearing none. Call a vote.  
8 All those in favor, signify by saying  
9 aye. Opposed?

10 [The motion carried. Dr. Kimberly Boyer recused  
11 herself from deliberations and voting on the motion.]

12

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14 MR. KOVACH:

15 The final matter is No. 22 on the  
16 agenda. It is the Application to  
17 Upgrade a License to Treat Glaucoma  
18 filed by Gary Michael Pisanchyn, O.D.

19 Based on the Board's discussions in  
20 Executive Session, I believe the Board  
21 Chair would accept the motion approving  
22 that application.

23 MS. WASSON:

24 I'll make the motion to approve that  
25 application.

1 CHAIRMAN URBANSKI:

2 Thank you, Ms. Wasson. Is there a  
3 second?

4 DR. GODFREY:

5 Second.

6 CHAIRMAN URBANSKI:

7 Dr. Godfrey, thank you. Any further  
8 discussion on the application to upgrade  
9 to glaucoma of Dr. Gary Michael  
10 Pisanchyn? Hearing none. We will vote  
11 on the motion. All those in favor,  
12 signify by saying aye. Opposed?

13 [The motion carried unanimously.]

14 \*\*\*

15 Board Meeting Dates

16 [Chairman Urbanski noted the proposed meeting dates  
17 for 2019.]

18 \*\*\*

19 Other

20 [Chairman Urbanski noted the list of current standing  
21 committees of the Optometry Board including the  
22 Probable Cause Committee, Regulations Committee, and  
23 the Continuing Education Committee.]

24 \*\*\*

25 Adjournment

1 CHAIRMAN URBANSKI:

2                   Is there a motion to adjourn?

3 DR. GODFREY:

4                   So moved.

5 CHAIRMAN URBANSKI:

6                   So moved, Dr. Godfrey. Second?

7 DR. HAIRE:

8                   Second.

9 CHAIRMAN URBANSKI:

10                   Second, Dr. Haire. All those in favor,  
11                   signify by saying aye. Opposed?

12 [The motion carried unanimously.]

13                                   \*\*\*

14 [There being no further business, the State Board of  
15 Optometry Meeting adjourned at 11:13 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Optometry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Optometry meeting.



Amy L. Warehime,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF OPTOMETRY  
REFERENCE INDEX  
August 16, 2018

	TIME	AGENDA
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7	9:02	Official Call to Order
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9	9:03	Roll Call
10		
11	9:03	Approval of Minutes
12		
13	9:06	Report of Prosecutorial Division
14		
15	9:07	Report of Board Counsel
16		
17	9:18	Report of Board Chair
18		
19	9:39	Report of Board Administrator
20		
21	9:42	New Business
22		
23	9:50	Public Comment Period
24		
25	9:56	Executive Session
26	11:06	Return to Open Session
27		
28	11:06	Motions
29		
30	11:09	Miscellaneous
31		
32	11:13	Adjournment
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